S.B.Civil Misc. Appeal No.90-1992
Fateh Singh & ors. vs. Hamir Singh

Date of Order: 03.7.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. Rajendra Mehta for the appellants.

Heard learned counsel for the appellant.

This appeal is against the order dated 28.10.1991 on the application moved under Order 39 Rules 1 and 2 C.P.C. by the plaintiff and which was allowed by the trial court.

By the impugned order dated 28.10.1091, the trial court restrained the defendant-appellants from alienating the land in question. The appeal though was admitted on 19.10.1992 but it appears that the interim order passed by the trial court continued. About 15 years have passed from the said order. Therefore, this Court is not inclined to interfere in such an order whereby only interim arrangement has been made against the alienation of the property. Not only this but now the suit might have been decided and if it has not been decided, the appellant cannot be permitted to alienate the property during the pendency of the suit.

In view of the above, the appeal is dismissed.

(PRAKASH TATIA),J.

mlt.